

No. **2023-7839**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 03/06/2023

Subject Considered:

Yalonda Ivy
434 ½ W. 6th Avenue
Columbus, Ohio 43201

Default Order
SOAH Docket No. 454-23-08893
TDI Enforcement File No. 29987

General remarks and official action taken:

This is a default order taken against Yalonda Ivy (Respondent) because she failed to disclose criminal history and obtained a license by fraud or misrepresentation. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order revokes Respondent's license.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On January 11, 2023, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

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Commissioner's Order

Yalonda Ivy

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department, 434 ½ W. 6th Avenue, Columbus, Ohio 43201.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4001.102, 4005.101-4005.105, and 4054.051; TEX. OCC. CODE §§ 53.021-53.023; 28 TEX. ADMIN. CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing under TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.89.

2023-7839

Commissioner's Order

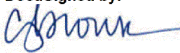
Yalonda Ivy

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Order

It is ordered that any licenses held by Yalonda Ivy are revoked. A copy of this order will be provided to law enforcement and other appropriate administrative agencies for further investigation as may be warranted.

DocuSigned by:

FC5D7EDDFFB4F8...

Cassie Brown
Commissioner of Insurance

Prepared and reviewed by:



Casey Seeboth, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

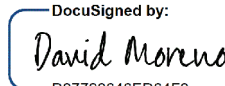
Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"My name is David Moreno and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Yalonda Ivy. I have confirmed that:

- a. The last mailing address provided to the department in writing by Yalonda Ivy is 434 ½ W. 6th Avenue, Columbus, Ohio 43201.
- b. The file maintained by Enforcement contains a Notice of Hearing and Original Petition dated January 11, 2023, which were filed with the State Office of Administrative Hearings.
- c. On January 11, 2023, the Notice of Hearing and Original Petition addressed to Yalonda Ivy were mailed first-class and certified, return receipt requested, to her last known address.

Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:

D97729646ED64F9...
Affiant

2023-7839

Commissioner's Order

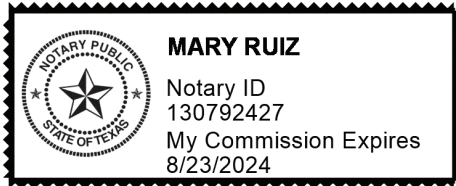
Yalonda Ivy

SOAH Docket No. 454-23-08893

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 2/10/2023. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

FILED **2023-7839**
454-23-08893
1/11/2023 12:15 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
454-23-08893
1/11/2023 12:17:41 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH DOCKET NO. 454-23-08893.c
TDI ENFORCEMENT FILE NO. 29987

TEXAS DEPARTMENT OF INSURANCE,

Petitioner

v.

YALONDA IVY,

Respondent

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against you. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on Thursday, **March 30, 2023, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge. The access details for the hearing are provided in the initial order issued by the State Office of Administrative Hearings, a copy of which is enclosed with this Notice of Hearing.

The hearing shall be conducted under TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS

EXHIBIT

A

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Notice of Hearing

Yalonda Ivy

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DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER, IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT OF RESTITUTION, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) *(by mail, fax, or electronically)*
Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (fax);
www.soah.texas.gov
- (2) *(by mail, fax, or email)*
Chief Clerk
Texas Department of Insurance
P.O. Box 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (fax)
chiefclerk@tdi.texas.gov; and

- (3) *(by mail, fax, or email)*
Casey Seeboth, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (fax)
casey.seeboth@tdi.texas.gov

Receiving Documents Electronically and Filing Documents with SOAH

The State Office of Administrative Hearings (SOAH) offers you the ability to electronically receive orders and other documents issued by SOAH by email instead of by mail. If you want to receive SOAH-issued documents by email, follow the instructions on SOAH's website: www.soah.texas.gov.

A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents or exhibits with SOAH. Instructions on how to file documents and exhibits are on SOAH's website. SOAH's website also includes guidance for representing yourself.

Important Security Notice (for In-Person Hearings ONLY)

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

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Notice of Hearing

Yalonda Ivy

SOAH Docket No. 454-23-08893

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If you have any questions, please contact me at the address or telephone number shown below.

Sincerely,

/s/ Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6337 (direct)

(512) 490-1020 (fax)

casey.seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosures: Original Petition

SOAH's Initial Order Setting Hearing and Prehearing Requirements

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC ENF
Whitney Fraser, Litigation Director, Enforcement, MC ENF
Administrative Review, MC CO-AAL

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CERTIFICATE OF SERVICE

I, Casey Seebth, certify that a true and correct copy of this Notice of Hearing and specified enclosures were sent by regular, first-class mail and by certified mail, return receipt requested, on this 11th day of January, 2023 to:

Yalonda Ivy
434 ½ W. 6th Avenue
Columbus, Ohio 43201

by CMRRR no.:
9214 8901 9403 8300 7971 21

/s/ Casey Seebth
Casey Seebth

2023-7839

SOAH DOCKET No. 454-23-08893

FILED
454-23-08893
12/29/2022 10:59 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK**SOAH DOCKET NO. 454-_____**
TDI ENFORCEMENT FILE NO. 29987**TEXAS DEPARTMENT OF INSURANCE,****Petitioner****v.****YALONDA IVY,****Respondent****BEFORE THE STATE OFFICE**ACCEPTED
454-23-08893
12/29/2022 11:05:49 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK**OF****ADMINISTRATIVE HEARINGS****ORIGINAL PETITION**

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Yalonda Ivy, formerly known as Yalonda Rushton. In support of this petition, TDI makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 4001.002, 4005.101, 4005.102, and 4054.051; TEX. OCC. CODE § 53.021-53.023; 28 TEX. ADMIN CODE § 1.502; and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. On August 27, 2014, TDI received an application for a non-resident general lines agent license from Yalonda Rushton, an Ohio resident. On this application, Yalonda Rushton answered "no" to this question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"
2. On September 2, 2014, TDI issued a general lines agent license to Yalonda Rushton.
3. On June 30, 2014, the Court of Common Pleas, Franklin County, Ohio, entered judgment in case number 13CR-5364 against Yalonda M. Rushton for felony theft. The court ordered payment of \$9,049 restitution and three years community supervision.

EXHIBIT**B**

4. On May 12, 2016, Yalonda Rushton submitted evidence to TDI that she had changed her name to Yalonda Ivy, and TDI promptly updated its record.
5. On July 26, 2021, TDI received information indicating that an insurance license issued to Yalonda Ivy in the state of Pennsylvania had been revoked for failing to disclose criminal history information on a license application.
6. Theft is an offense that involves dishonesty, as contemplated by 18 U.S.C. § 1033.

Legal Allegations

1. Yalonda Ivy has intentionally made a material misstatement on a license application, as contemplated by Tex. Ins. Code § 4005.101(b)(2).
2. Yalonda Ivy has obtained a license by fraud or misrepresentation, as contemplated by Tex. Ins. Code § 4005.101(b)(3).
3. Yalonda Ivy has been convicted of a felony, as contemplated by Tex. Ins. Code § 4005.101(b)(8).
4. Yalonda Ivy has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation, as contemplated by TEX. OCC. CODE § 53.021 and 28 TEX. ADMIN. CODE § 1.502.
5. The factors listed in 28 TEX. ADMIN. CODE § 1.502(h) do not outweigh the serious nature of the criminal offenses Malone committed. 28 TEX. ADMIN. CODE § 1.502(f).

Relief Sought

If one or more of the above allegations is found to be true, TDI asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. revoking Yalonda Ivy's license, and
2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully Submitted,

/s/ Casey Seeboth

Casey Seeboth

State Bar No. 24070584

Texas Department of Insurance

Enforcement, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6337 (direct)

(512) 490-1020 (fax)

casey.seeboth@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

2023-7839

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Casey Seebth
Bar No. 24070584
Enforcementgeneral@tdi.texas.gov
Envelope ID: 71352658
Status as of 12/29/2022 11:07 AM CST

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	12/29/2022 10:59:46 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Casey Seebth		Casey.Seebth@tdi.texas.gov	12/29/2022 10:59:46 AM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	12/29/2022 10:59:46 AM	SENT

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	12/29/2022 10:59:46 AM	SENT

2023-7839

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Mary Ruiz on behalf of Casey Seebth
Bar No. 24070584
Enforcementgeneral@tdi.texas.gov
Envelope ID: 71695890
Status as of 1/11/2023 12:18 PM CST

Associated Case Party: Chief Clerk

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Clerk		ChiefClerk@tdi.texas.gov	1/11/2023 12:15:40 PM	SENT

Associated Case Party: TDI

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Department of Insurance		Enforcementgeneral@tdi.texas.gov	1/11/2023 12:15:40 PM	SENT
Casey Seebth		Casey.Seebth@tdi.texas.gov	1/11/2023 12:15:40 PM	SENT
Whitney Fraser		Whitney.Fraser@tdi.texas.gov	1/11/2023 12:15:40 PM	SENT
Leah Gillum		Leah.Gillum@tdi.texas.gov	1/11/2023 12:15:40 PM	SENT
Catarina Tapia		Catarina.Tapia@tdi.texas.gov	1/11/2023 12:15:40 PM	SENT

Firm Mailing Book For Accountable Mail

Name and Address of Sender

Texas Dept of Insurance

Mail Code ENF

1601 Congress Avenue, Suite 6.900

Austin TX 78711

Mary Ruiz

January 11, 2023

Check type of mail or service

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

☐ Certified Mail

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery (COD)

☐ Insured Mail

☐ Priority Mail

☐ Priority Mail Express

☐ Registered Mail

☐ Return Receipt for Merchandise

☐ Signature Confirmation

☐ Signature Confirmation Restricted Delivery

Affix Stamp Here
(If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

Address (Name, Street, City, State, & Zip Code)

YALONDA IVY

434 1/2 W. 6TH AVENUE

COLUMBUS, OHIO 43201

Postage

21

USPS Tracking/Article Number

SEEBOTH/29987

Due Sender if COD

Insured Value

Actual Value if Registered

Handling Charge

Extra (Service) Fee

ASR Fee

ASRD Fee

RD Fee

RR Fee

SC Fee

SCRD Fee

SH Fee

Special Handling

Signature Confirmation Restricted Delivery

Signature Confirmation

Return Receipt

Restricted Delivery

Adult Signature Restricted

Adult Signature Restricted

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OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR PRIVATE USE

US POSTAGE \$001.75
01/11/2023
ZIP 78701

\$50,000 in value

Handling Charge

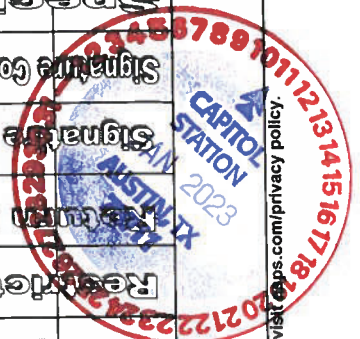
YALONDA

RECEIVED
JAN 13 2023
TDI - ENFORCEMENT

EXHIBIT

C

Privacy Note: For more information on USPS privacy policies, visit usps.com/privacy-policy.



2023-7839

Shipment Confirmation
Acceptance Notice



A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 01/11/2023

Shipped From:

Name: MC ENF M RUIZ

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78711

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

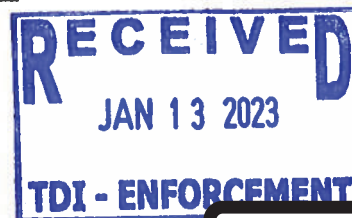
USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0041 6389 33

SEEBOTH/29987



EXHIBIT

D



2023-7839

[illegible]